



PETITIONER'S HABEAS CORPUS DISMISSED  
WITHOUT PREJUDICE TOLLED THE ONE YEAR  
TIME LIMITATION

The Petitioner alleges that he filed his habeas corpus (5) five months before the one year time bar. The Petitioner's habeas corpus was dismissed " without prejudice " and therefore his previous habeas corpus did not count toward a new filing. The Petitioner filed his time dispute resolution form on 12/11/18 after his previous habeas corpus was dismissed without prejudice. The Petitioner's SHCH was denied on 6/12/19. The Petitioner mailed the present habeas corpus to the federal court on July 23, 2019. The Petitioner's time began to run on 12/11/18 when he filed his time dispute resolution form.

To establish an entitlement to equitable tolling, the Petitioner must show (1) that he pursued his habeas rights diligently and (2) some " extraordinary circumstance " prevented him from effectively making a timely filing. *Howland v Quatemen*, 507 F 3d 840, 845 (5th Cir. 2007), Long delays in receiving notice of state court action may warrant equitable tolling. *Phillips v. Donnelly*, 216 F 3d 508, 511 (5th Cir. ) modified in 223 F 3d 797 (5th Cir. 2000).

Title 28 U.S.C. 2244 (d) (2) provides that ( " the time during which a properly filed application for state post conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation " ). *Ex Parte Blacklock* 191 S.W. 3d 718, 719 (Tex. Crim. App.-2006).

II.

THE-RESPONDENTS AGREE THAT THE PETITIONER'S  
GOOD TIME AND WORK TIME IS NOT COUNTED HIS  
MANDATORY RELEASE DATE

The Petitioner alleges that he clearly has " liberty interest "


in his good time and work time being counted toward his mandatory superviison date. The Respondents moiton for summary judgment clearly allege on page 4 that the Petitioner has not received any " work time " and " good time " toward his mandatory supervision " date since October 28, 2015. The Petiitoner has over 4 years 8 months and 23 days good time over 2 years and 6 months and 26 days of work time and yet the TDCJ has failed to explain why this time is not counted toward his " mandatory release " date.

III.

CONCLUSION AND PRAYER

Wherefore Premises Considered, Paul E. Archie, Pro - Se Petitioner pray that this Honorable Court GRANT " Petitioner's Motion For Summary Judgment " and find that the Petitioner's habeas corpus is timely filed and that the Respondents failing to calculate the Petiitoner's " good ~~time~~ " and " work time " toward his mandatory release date has deprived him of a " liberty interest " and due process of law.

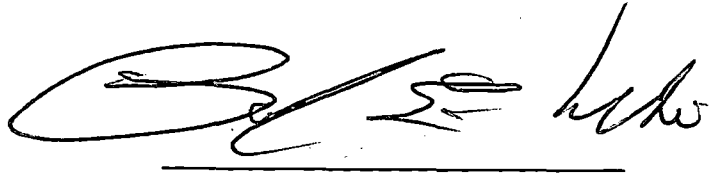
RESPECTFULLY SUBMITTED,

  
Mr. Paul E. Archie #519474  
Jester III Unit  
3 Jester Road  
Rosharon, Texas 77406

III.

CERTIFICATE OF SERVICE

I, Paul E. Archie, Pro- Se Petitioner do hereby certify that a true and correct copy of the foregoing " Petitioner's Motion For Summary Judgment " has been served to the Respondent's attorney by placing a copy of the same in the u.s. mail postage prepaid to: Patrick Todd, Assistant Attorney General, P.O. Box12548, Austin, Texas 78711 on this 31 day of March month 2020.

A handwritten signature in black ink, appearing to read "Paul E. Archie", written over a horizontal line.

Mr. Paul E. Archie  
Pro - Se Pettitioner

Date: 3/31/20

✓ To: U. S. District Court  
Southern District of Texas  
P. O. Box 61010  
Houston, Texas 77208

RE: ARCHIE V. DAVIS

NO: H - 19 - 2739

Dear Court:

Enclosed for filing is the original copy of the "Petitioner's Motion For Summary Judgment."

By copy of this letter I'm forwarding a copy of this same petition to the Respondent's attorney.

Your response in contacting me when the court has made a ruling on the petition will be highly appreciated. Thank you.

Sincerely, 

Mr. Paul E. Archie  
Pro - Se Petitioner

CC. File

CC: Patrick Todd

Assistant Attorney General  
P. O. Box 12548  
Austin, Texas 78711

Paul E. Archie #519474  
3 Jester Road  
Richmond, Texas 77406

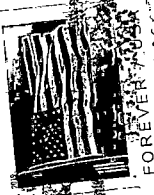
United States Courts  
Southern District of Texas  
FILED

APR 01 2020

David J. Bradley, Clerk of Court

NORTH HOUSTON TX 77060

31 MAR 2020 PM 4 L



U.S. District Court  
Southern District Of Tx.  
P. O. Box 61010  
Houston, Tx. 77208

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